REMARKS

Claims 1-17 are remaining in the present patent application. Claims 1, 10 and 15 have been amended. No new matter has been added.

35 U.S.C. §102 Rejection

In paragraph 6, the Office Action rejected Claims 1-17 under 35 U.S.C. 102(b) as being unpatentable over U.S. patent publication no. 2002/0029299 by Kappel et al. (referred to hereinafter as Kappel). Applicants have reviewed the above cited reference and respectfully submit that the present invention, as recited in Claims 1-17, is neither anticipated nor rendered obvious by the Kappel et al. reference.

Claim 1 recites,

An exception handling mechanism comprising:
an exception handler for recording exception information dependant on types of exceptions and programming tasks that encounter exceptions; and
a recovery agent for taking an action upon an occurrence of an exception, wherein the action is performed outside of a debugging operation;
wherein the action to be taken upon the occurrence of the exception corresponds to a type of exception and a programming task, and includes one or a combination of restarting the programming task, terminating the programming task, resetting a system running the programming task, and disregarding the exception.

Applicants respectfully submit that Kappel does not teach or suggest, among other things "...wherein the action is performed outside of a debugging operation...restarting the programming task, terminating the programming task, resetting a system running the programming task, and disregarding the exception."

According to the Federal Circuit, "[a]nticpation requires the disclosure in a single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference <u>must disclose each element</u> of the claimed invention "<u>arranged as in the claims</u>" (emphasis added; Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)).

Kappel teaches a method for exception handling. Referring to the abstract, "the system includes a class creator that establishes a plurality of classes of exception types and an exception capture mechanism that captures an exception." Referring to the last sentence of paragraph 0003, Kappel's goal is to "...provide for a generalized or simplistic view of exception or error handling." Referring to the first sentence of paragraph 0029, Kappel achieves his goal by utilizing three generic exception types. Kappel states in the second to last sentence of paragraph 0029 that the exception types are application exceptions, system exceptions and validation exceptions.

The Office Action asserts that Kappel teaches "wherein the action is performed outside of a debugging operation" at step 58 in Figure 3 and related text. The only text that describes step 58 in Kappel is found in the first sentence of paragraph 0032. Paragraph 0032 states, "However, if it is determined at step 54 that the exception experience is not a validation exception, then the exception handling system 50 of the present invention propagates the exception to a central place for handling at step 58." It appears that the Office Action is asserting that the "central place" enables performing an action outside of a debugging operation. However, Kappel never teaches that his "central place" performs an action outside of a debugging operation. Therefore Kappel does not teach or suggest "wherein the action is performed outside of a debugging operation," as recited by Claim 1.

The Office Action asserts that Kappel teaches "restarting the programming task, terminating the programming task, resetting a system running the programming task, and disregarding the exception" at step 59 depicted in Figure 3 and related text. The only place that Kappel refers to step 59 is in the second sentence of paragraph 32 which states, "The exception handling system 50 then exits at step 59." Note that the text related to step 59 is silent with respect to "restarting the programming task, terminating the programming task, resetting a system running the programming task, and disregarding the exception." Further, based on Applicants' review of Kappel, Kappel does not teach or suggest "restarting the programming task, terminating the programming task, resetting a system running the programming task, and disregarding the exception" anywhere.

Therefore, for at least these reasons independent Claim 1 should be patentable over Kappel. Further, independent Claims 10 and 15 should be patentable over Kappel for similar reasons that Claim 1 should be patentable over Kappel. Kappel does not teach all of the elements as recited by Claims 1, 10 and 15.

In addition, Claim 15 recites "an exception handler for recording exception information on non-volatile memory..." The Office Action asserts that Kappel's item 50 teaches "an exception handler for recording exception information on non-volatile memory..." Item 50 is Kappel's exception handling system. However, note that Claim 15 recites "...information on non-volatile memory." An exception handling system is an executable. It is not information. Further, no where does Kappel teach that his memory 22 is non-volatile.

Claims 2-9 depend on Claim 1. Claims 11-14 depend on Claim 10. Claims 16-17 depend on Claim 15. These dependent claims include all of the limitations which their respective independent claims recite. Further, these

dependent claims include additional limitations which further make them patentable. For example, Claim 2 recites "an exception is associated with a signature for identifying the recorded exception information with its associated exception." The Office Action asserts that Kappel teaches Claim 2 at paragraph 0029 on page 3. Although paragraph 0029 includes the word "signature" the signature referred to by paragraph 0029 is a "method signature" not "a signature for identifying the recorded exception information with its associated exception," as recited by Claim 2. In a second example, Claim 12 recites "nonvolatile memory for storing exception information," which should be patentable for reasons already discussed with regards to non-volatile storage. Therefore the dependent claims should be patentable for at least the reasons that their respective independent claims should be patentable.

CONCLUSION

In light of the facts and arguments presented herein, Applicants respectfully request reconsideration of the rejected Claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-17 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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